IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos. 24475, 24476 of 2004 and 1956, 2305 of 2005

WRIT PETITION NO : 24475 of 2004:

Between:

The Vijayawada Trade Association Welfare Society, Reg.No. 228/2002, Dr.No.27-17-7, Upstairs, Peddibhotlavari Street, Governorpet,

Vijayawada - 520 002. Rep. by its President D. Babu Rao.

..... PETITIONER

AND

1 The Commissioner of Police, Vijayawada City, Krishna District, Vijayawada.

2 The Vice Chairman, VGTM VUDA, Governorpet, Vijayawada-

3 The District Collector, Krishna District, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in issuing the proceedings C.No.6049/G3/2004 , Dt. 17-12-2004 as illegal, arbitrary and violative of principles of Natural Justice and article 14 of the constitution of India and pass such other order or orders.

Counsel for the Petitioner: MR.V.RAGHU

Counsel for the Respondent Nos.1 and 3: GP for HOME.

Counsel for the Respondent No.2: Mr. P.M. Gopal Rao.

WRIT PETITION NO : 24476 of 2004:

Between:

1 Muta Workers Union, A Registered trade union No. C 47
Having its registered office at 11-24-4, 2nd Floor, Bhavan Narayana Street, Vinnakotavarichowk, Vijayawada - 1, Rep by its Secretary U.V. Rama Raju

2 Muta Karmika Sangham, Registered No. 2795, Lenin Bhavan, Vijayawada - 1, Rep by its Joint Secretary Janapala Radha Krishna Murthy

3 Lorry Muta Karmika Sangham, Registered No. 1548, Chennupati Ramakotaiah Lorry Transport, Jumma Masjid Lane, Canal Road,

Vijayawada – 1, rep by its Narsimha Reddy

4 City Conveyance Labour Union, Registered No. 1826, Bhavaji Matam, Canal Road, Vijayawada - 1 Rep by its G. Varaprasad.

..... PETITIONERS

AND

The Commissioner of Police, Vijayawada City, Krishna District, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the proceedings C.No. 6049/G3/2004, Dt. 17-12-2004 as illegal, arbitrary and violative of principles of Natural Justice and article ;14 of the Constitution of India and pass such other order or orders

Counsel for the Petitioners: MR.V.RAGHU

Counsel for the Respondent: GP FOR HOME

WRIT PETITION NO : 1956 of 2005:

Between:

Vijayawada Goods Transport Association, Rep. by its General Secretary,
Sri S.L Srinivasa Rao, S/o. Late S. Somayajulu, Aged 38 Years, R/o. Vijayawada.

..... PETITIONER

AND

1 The Commissioner of Police, Vijayawada City, Krishna District.

2 The District Collector, Krishna District, Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in C.No. 6049/G3/2004, dated 17-12-2004 issued by the 1st respondent as arbitrary, illegal and voilative of the Fundamental Rights guaranteed to the petitioner under Artticles 14 and 19 (1)(g) of the Constitution of India and set aside the same and pass such other order or orders.

Counsel for the Petitioner: MR.C.V.MOHAN REDDY

Counsel for the Respondents: GP FOR HOME

WRIT PETITION NO : 2305 of 2005:

Between:

Muttha Workers Co ordination Committee, Vijayawada, Rep. by its convernor,
P. V Sundara Rama Raju, S/o. Ramakrishna Raju, 40 years, R/o. T. Subba Raju nagar, Gandhinagar Post, Vijayawada-3

..... PETITIONER

AND

Commissioner of Police, Vijayawada city, Vijayawada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of R1 in prohibiting the goods vehicles above 5 tones from Entering the Vijayawada city as unconstitutional and consequently set aside the orders of Respondent dt. 17-12-2004 while making it clear that the decision can be

taken only after conducting proper scientific studies by independent agencies and taking into consideration of all the related issues and pass order or other orders.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent: GP FOR HOME

This Court at the admission stage made the following :

COMMON ORDER:

This batch of writ petitions is filed challenging the action of the Commissioner of Police, Vijayawada, imposing restrictions on the movement of goods vehicles of the capacity of five tonnes and above, through his proceedings dated 17.12.2004. The petitioners include the Association of Goods Transporters and Workers, associated with the loading and unloading of trucks.

The petitioners contend that imposition of total ban on entry of the said category of vehicles into the city is causing great hardship, in the matter of delivery of goods to the booked destinations and to pick up the goods from the concerned places.

In the counter-affidavit filed by the Commissioner of Police, the circumstances that lead to imposition of restrictions were narrated. It is stated that the indiscriminate movement of heavy goods vehicles was causing traffic congestion in the town and it became inevitable for them to impose such restrictions. On behalf of Vijayawada, Guntur, Tenali and Mangalagiri Urban Development Authority, a counter affidavit is filed stating that with a view to relieve traffic congestion in the Vijayawada Town, a truck terminal was constructed at the outskirts of the Town by incurring a huge expenditure and the very purpose of constructing the terminal would be defeated, if

the vehicle movement is permitted in the town.

Extensive submissions were made on behalf of the petitioners by their respective counsel as well as the learned Government Pleader and the learned Standing Counsel for the Urban Development Authority.

When the writ petitions came up for admission, the learned Government Pleader for Home was granted time to obtain instructions and an interim order was passed directing that the vehicles of the category referred to above shall be permitted to enter into the city between 11.p.m to 4.a.m. Thereafter, proposals have been submitted by the parties and the Assistant Commissioner of Police, in turn, was directed to identify certain roads, on which the movement of the goods vehicles can be permitted for certain fixed hours during the day. This direction was issued in view of prevalence of such a practice in the city of Hyderabad. Taking the same into account, the Assistant Commissioner of Police had framed a scheme through his letter dated 21.02.2005, wherein as many as four different routes were identified and the movement of goods vehicles was permitted thereon during 12 noon to 2 p.m. The same was taken on record by this court on 24.02.2005.

The scheme framed by the Assistant Commissioner of Police had resulted in redressal of grievances of the petitioners to a substantial extent. The petitioners further contend that the Commissioner be directed to open certain other routes also and increase the time for movement of the vehicles. This Court is not prepared to accede to the request. Inasmuch as a scheme framed by the Assistant Commissioner of Police is in operation, the effect of the same needs to be observed by the petitioners as well as the respondents atleast for some time. It shall always be open to the petitioners to make representations pointing out their grievances and in such an event, the Commissioner can take appropriate decision duly taking into account the views of the concerned persons and agencies.

Hence, the writ petitions are disposed of, leaving it open to the petitioners to make representations pointing out their grievances in relation to the movement of the goods vehicles in the Vijayawada town. On receipt of the same, the Commissioner of Police, Vijayawada, shall pass appropriate orders, within a period of two months from the date of receipt of such representations, duly taking into account the views of the persons and agencies concerned. Till such time, the arrangement indicated in the letter, dated 21.02.2005 issued by the Assistant Commissioner of Police as well

as the one indicated by this Court in relation to entry of vehicles between 11.p.m to 4.a.m shall remain in force. There shall be no order as to costs.

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21.03.2005

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To

1 The Commissioner of Police, Vijayawada City, Krishna District, Vijayawada.

2 The Vice Chairman, VGTM VUDA, Governorpet, Vijayawada-3 The District Collector, Krishna District, Vijayawada.

4 2 CCs to the G.P. for Home, High Court Buildings, Hyderabad. (OUT)

5 2 CD copies.